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DIRECTV, LLC and AT&T Services, Inc.

*(Additional counsel information omitted)*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,  
LLC,

Plaintiff,

v.

DIRECTV, LLC; AT&T, INC.; AT&T  
SERVICES, INC.; AND AT&T  
COMMUNICATIONS, LLC

Defendants.

**Lead Case No. 2:23-cv-01043-JWH-KES**

Consolidated with Case Nos.:

2:23-CV-01047-JWH-KES

2:23-CV-01048-JWH-KES

2:23-CV-05253-JWH-KES

**DECLARATION OF DAVID S. FRIST  
IN SUPPORT OF DIRECTV  
DEFENDANTS' RULE 12(b)(6)  
MOTION TO DISMISS UNDER 35  
U.S.C. § 101**

Date: November 17, 2023

Time: 9:00AM

Courtroom: 9D

1 I, David S. Frist, hereby declare and state as follows:

2 1. I am a partner of Alston & Bird LLP, and I represent the Defendants  
3 DIRECTV, LLC and AT&T Services, Inc. in this matter. I am submitting this Declaration  
4 in connection with Defendants' 12(b)(6) Motion to Dismiss Under 35 U.S.C. § 101. I have  
5 personal knowledge of the facts set forth herein and if called upon to do so, could testify  
6 competently thereto.

7 2. Attached as Exhibit 1 hereto is a true and accurate copy of U.S. Patent No.  
8 5,488,632.

9 3. Attached as Exhibit 2 hereto is a true and accurate copy of U.S. Patent No.  
10 6,091,932.

11 4. Attached as Exhibit 3 hereto is a true and accurate copy of U.S. Patent No.  
12 6,085,248.

13 5. Attached as Exhibit 4 hereto is a true and accurate copy of the April 1, 2009  
14 non-final rejection of U.S. Patent Application No. 11/241,748, which ultimately issued as  
15 the U.S. Patent No. 8,621,539.

16 6. Attached as Exhibit 5 hereto is a true and accurate copy of excerpts of the file  
17 history of U.S. Patent Application No. 11/292,939, which ultimately issued as U.S. Patent  
18 No. 8,085,802.

19  
20 I declare under penalty of perjury that the foregoing is true and accurate to the  
21 best of my knowledge, information, and belief.

22 Executed this 27th day of September 2023 in Atlanta, Georgia.

23  
24 /s/ David S. Frist  
David S. Frist  
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